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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/542,159 | 04/04/2000 | Allen Havemose | AMI 99 0005 | 6141 |

32718 7590 05/22/2003

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| EXAMINER |
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OPIE, GEORGE L

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| ART UNIT | PAPER NUMBER |
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2126

DATE MAILED: 05/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

Applicant(s)

09/542,159

Havemose

Examin r

Art Unit

George L. Opie

2151

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period of Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☒ Other: Text Doc for 5,727,145

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DETAILED ACTION**1. Request for copy of Applicant's response on floppy disk:**

Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.

Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory, however, it will help expedite the processing of your application.

Your cooperation is appreciated.

2. Objection to the specification

On page 2 of the Application, the cross referenced applications are missing the PTO serial numbers for proper identification. Appropriate correction is required.

3. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.

4. Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 10-15 and 19-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nessett et al. (u.S. Patent 5,727,145).

As to claim 1, Nessett teaches a method for providing distributed functionality over a network (distributed object computing system, p5 7-24) comprising: receiving a request to perform a task on a first digital information appliance (request ... the client, p8 5-16) the task requiring a resource not included on the

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first digital information appliance (reference in order to communicate with a target object in a remote server, p13 29-43)

locating a second digital information appliance over a network (client performs a locate operation ... indicative of ... an object server identifier, p3 14-57) the second digital information appliance including the resource (servant (target object), p5 7-24)

transferring the request From the first digital information appliance to the second digital information appliance (marshal and physically transport information to and from servant objects, p8 5-16) so as to enable the task to be performed on the second digital information appliance (desired servant object on its host machine, p9 23-37)

returning a result of the performed task by the second digital information appliance to the first digital information appliance (transport mechanisms and facilities necessary to ... return a response to the client, p5 7-24).

As to claim 2, Nessett (p5 7-24) teaches a "client 20" receives a request in the "form of a distributed object" which is transmitted to the "target object" for execution on the remote "machine".

As to claim 3, Nessett (p5 27-47) teaches the interface dynamic base object and the implementation dynamic base object as recited.

As to claim 4, cf. Nessett's ORB disclosure.

As to claim 5, Nessett (p17 32-40) teaches that "[e]mbodiments of the present invention ... may be specially constructed for the required purposes".

As to claim 6, Nessett (p14 1-12) teaches "if it is determined that the identified server is already running, then control moves directly to step 310."

As to claims 10-15, note the rejections of claims 1-6 above. Claims 10-15 are the same as claims 1-6, except claims 10-15 are apparatus claims and claims 1-6 are method claims.

As to claims 19-20, note the rejections of claims 6 and 3 respectively

6. Claims 1 and 10 are rejected under 35 U.S.C. § 102 as being anticipated by the Admitted Prior Art (APA) disclosed in the Application background.

As to claim 1, the APA teaches the use of "digital information appliances (DIA) . . . interconnected with a network such as the INTERNET" for performing client/server processing functions, comprising

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"clients obtain access to the object servers by sending them messages" which represent requests to perform tasks involving server resources;
ORB's are used to "locate the various distributed objects" and,
"[w]hen the server object receives the message, it invokes the appropriate method and transmits the result back to the object client."

7. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-9 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nessett in view of the APA.

As to claim 7, the APA teaches "purchases of goods and services are becoming common over the INTERNET." These "on-line" transactions include billing information, and it would have been obvious to combine/ encapsulate this in Nessett's client/server object processing, thereby computing the costs concomitant with the requested operations.

As to claim 8, see the discussion of claim 3 supra.

As to claim 9, Nessett teaches the server/client paradigm, which includes the recited linking and embedding as an inherent part of the distributed object system for retrieving referenced objects residing on other machines.

9. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Each reference disclosed below is relevant to one or more of the Applicant's claimed invention.

U.S. Patent No. 5,689,644 to Narayanan et al. which teaches the recited object interfaces;

U.S. Patent No. 5,511,197 to Hill et al. which teaches the fundamental distributed object processing.

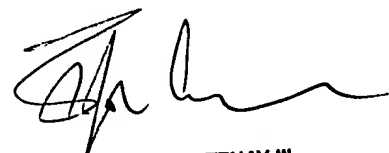
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10. Contact Information:**PTO Policy for Facsimile Submissions:**

- ☐ AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
- ☐ OFFICIAL faxes must be signed and sent to (703) 746-7239.
- ☐ NON OFFICIAL faxes should be sent to (703) 746-7240.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

- ☐ All responses sent by U.S. Mail should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
- ☐ Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.
- ☐ Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.
- ☐ Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (703) 308-9120 or via e-mail at *George.Opie@uspto.gov*. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.



ST. JOHN COURTENAY III
PRIMARY EXAMINER